

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Allentown Division

EDWARD T. KENNEDY,

Plaintiff,

Case No. 5: 18-CV-00257-JFL

-v-

COMMISSIONER DEPARTMENT OF
THE TREASURY INTERNAL REVENUE
SERVICE, et. al.

Defendants.

FILED
MAY 16 2018
KATE BARKMAN, Clerk
By _____ Dep. Clerk

PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT 3

1. Plaintiff moves for an order granting a full Summary Judgement against Defendants Commissioner Department of the Treasury Internal Revenue Service, now known to be David J. Kautter,¹ and John Doe, now known to be R.D. Simmons.

2 Summary judgment is proper in this case because there is no genuine issue of material fact because Plaintiff is entitled to judgment as a matter of law.

3. Specifically all four elements of intentional infliction of emotional distress is satisfied. Defendants continue to violate Plaintiff's civil rights.

4. This motion is based on the pleadings and papers on file in this case,

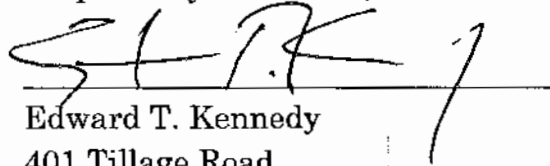
¹ <https://www.irs.gov/newsroom/commissioner-david-j-kautter-acting>

the attached summary-judgement evidence, and in the attachment of Plaintiff's Memorandum in Support of Motion for Summary Judgement.

WHEREFORE, Plaintiff requests the court grant the order for Plaintiff's Motion for Summary Judgment to pay Plaintiff \$250,000.00.

Date: May 14, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E.T. Kennedy', is written over a horizontal line.

Edward T. Kennedy

401 Tillage Road

Breinigsville, Pennsylvania 18031

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Email: kennedy2018@alumni.nd.edu

Telephone: 415-275-1244

Fax: 570-609-1810

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2018 that I filed a copy of the foregoing Plaintiff's Motion for Summary Judgement and Plaintiff's Memorandum in Support of Motion for Summary Judgement by USPS regular mail at the office of the Clerk of Court at United States District Court for the Eastern District of Pennsylvania Allentown Division location, and served by fax number 202-514-6866 to the following Attorney:

Catriona M. Coppler
Tax Attorney, Tax Division
US Department of Justice
Post Office Box 227
Washington DC 20044

FILED

MAY 16 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk


EDWARD T. KENNEDY
Plaintiff, Pro Se.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Allentown Division

EDWARD T. KENNEDY,
Plaintiff,

Case No. 5: 18-cv-00257-JFL

-v-

COMMISSIONER DEPARTMENT OF
THE TREASURY INTERNAL REVENUE
SERVICE, et. al.,
Defendants.

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PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT 3

Plaintiff asks the court to render a summary judgment against defendants, as authorized by Federal Rule of Civil Procedure 56 and Local Court Rule 9 (a).

A. Introduction

1. Plaintiff is Edward T. Kennedy; defendants are Commissioner Department of the Treasury Internal Revenue Service, now known to be David J. Kautter ¹ and John Doe, now known to the plaintiff as R.B. Simmons.

2. Plaintiff sued defendants for the tort of intentional infliction of emotional distress, and injuries and damages for harm to his ability to earn a living as a priest and as a tax accountant.

3. Counsel for the defendants repeatedly filed documents that violated Local Rule 9(a). ²

¹ <https://www.irs.gov/newsroom/commissioner-david-j-kautter-acting>

² Signature (a) The user login and password required to submit documents to the ECF System serve as the ECF Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Rule 11(a) of the Federal Rules of Civil Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address,

4. Plaintiff files this Motion for Summary Judgment on his claim for the tort of intentional infliction of emotional distress and injuries and damages for harm to his ability to earn a living as a priest and as a tax accountant. Summary judgment should be granted in this case because the summary-judgment evidence establishes all elements of plaintiff's claim as a matter of law, and due to the fact that counsel for the defendants refused to comply with local rule 9(a), and refused to verify any debt the plaintiff owes to the defendant's employer.

B. Statement of Facts

5. Prima facie evidence presented here are uncontroverted facts that entitle plaintiff to judgment as a matter of law.

6. The defendants work for the Internal Revenue Service, a collection agency that is not licensed to be a debt collector in the Commonwealth of Pennsylvania.

7. Both defendants are required to follow 15 U.S.C. § 1692(a), (1978), the Fair Debt Collection Practices Act (FDCPA), U.S.C. § 1692 et seq.

8. Title 26 is not relevant to this case of this Court despite the personal opinions of counsel for the defendants.

9. Defendants work for a debt collection service. Debt collection is covered under Title 15 chapter 4 subchapter V section 1692, and not Title 26.

10. United States District Court Eastern District of Pennsylvania Allentown Division is not the United States Tax Court. Attorney Coppler is confused.

telephone number and the attorney's state bar identification number, if applicable. In addition, the name of the ECF Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

11. Plaintiff's claim for intentional infliction of emotional distress is a tort, and defendant's continued outrageous behavior is the cause of severe emotional stress.

12. Plaintiff's have no license to be debt collectors in the Commonwealth of Pennsylvania, yet defendants now continue to steal funds from the plaintiffs' US Treasury account.

13. This severe stress affected plaintiff's ability to function as a priest, a Papal Knight and tax accountant.

14. Elements of intentional infliction of emotional distress as a tort is as follows:

- (1) the defendant must act intentionally or recklessly;*
- (2) the defendant's conduct must be extreme and outrageous; and*
- (3) the conduct must be the cause*
- (4) of severe emotional distress.³*

15. Defendants continue to steal funds from the Plaintiff's account at the US Treasury, with no foundation of law and no evidence of any debt owed to the employer of the defendants or the US Treasury.

16. Defendants have gone gangster.

C. Argument

17. Summary judgment is proper in a case where there is no genuine issue of material fact.⁴

18. A plaintiff moving for summary judgment satisfies its burden by submitting

³ See Hyatt, 943 S.W.2d at 297.

⁴ See Fed. R. Civ. P. 56(c); Scott v. Harris, U.S., 127 S. Ct. 1769, 1776 (2007); Celotex Corp. v. Catrett, 411 U.S. 317, 322, 106 S. Ct. 2548, 2552 (1986).

summary-judgment proof that establishes all elements of its claim as a matter of law.⁵

19. Plaintiff must show that no reasonable trier of fact could find other than for plaintiff. *Calderone v. United States*, 799 F.2d 254,259 (6th Cir. 1986).

20. Because there are no genuine issues of material fact on any element of intentional infliction of emotional distress, plaintiff is entitled to summary judgment as a matter of law.

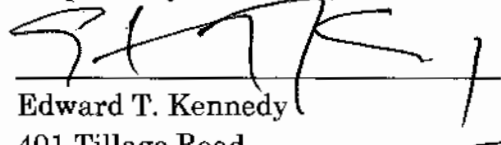
21. Attorney Coppler took an oath to tell the truth and that she knows rules of civil procedure of this Court of Law. Attorney Coppler did not tell the truth. Coppler lied. Attorney Coppler did not comply with the rules of this Court of Law.

D. Summary-Judgment Evidence

22. In support of his motion, plaintiff notices the court of multiple documents filed by Attorney Coppler that violate court rules, and are hereby incorporated by reference into the motion.

Date: May 14, 2018

Respectfully submitted,



Edward T. Kennedy
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Breinigsville, Pennsylvania 18031
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Email: kennedy2018@alumni.nd.edu
Telephone: 415-275-1244
Fax: 570-609-1810.

⁵ *San Pedro v. United States*, 79 F.3d 1065,1068 (11th Cir. 1996).

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2018, I filed the foregoing Plaintiff's Memorandum in Support of Motion for Summary Judgement 3 and Motion for Summary Judgement 3 by USPS Mail to the Clerk of Court and served by fax number to 202-514-6866 on the following Tax Attorney:

Catriona M. Coppler
Tax Attorney, Tax Division
US Department of Justice
Post Office Box 227
Washington DC 20044


EDWARD T. KENNEDY
Plaintiff, Pro Se. ⁶

FILED
MAY 16 2018
KATE BARKMAN, Clerk
By _____ Dep. Clerk

⁶ on his own behalf.